

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

**THIRD DAY'S PROCEEDINGS**

**Thirty-First Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 27, 2005

The Senate was called to order at 1:30 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Total - 33		

**ABSENT**

Ellington	Hollis
Heitmeier	Michot
Total - 4	

The President of the Senate announced there were 33 Senators present and a quorum.

**Prayer**

The prayer was offered by Dr. Phillip Goudeaux, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Bajoie, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 59—**  
BY SENATOR BAJOIE

**A RESOLUTION**

To commend Willie Mae Seaton upon the selection of her restaurant, Willie Mae's Scotch House, as a recipient of the American Classic Award from the James Beard Foundation.

On motion of Senator Bajoie, the resolution was read by title and adopted.

**SENATE CONCURRENT RESOLUTION NO. 25—**  
BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to propose a constitutional amendment to abolish the electoral college and provide for the election of the president by popular vote.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

**Senate Resolutions  
on Second Reading**

The following Senate Resolutions were read and referred to committees as follows:

**SENATE RESOLUTION NO. 15—**  
BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Specialist Warren A. Murphy upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

**Senate Resolutions  
on Second Reading**

The following Senate Resolutions were read by title and returned to the calendar subject to call.

**SENATE RESOLUTION NO. 16—**  
BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Robert L. duSang upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 17—**  
BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant Rene Knox, Jr., upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 18—**  
BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Sergeant Robert J. Mogensen upon his death in Operation Enduring Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 19—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Michael S. Evans II, upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 20—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Lance Corporal Larry L. Wells upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 21—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Marine Corps Sergeant Jeffrey L. Kirk.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 22—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Louisiana Senate upon the death of Specialist Charles "C.C." Persing of the United States Army's 10<sup>th</sup> Mountain Division (Light Infantry) based in Fort Drum, New York, on July 20, 2004.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 23—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Sergeant Paul M. Heltzel of the United States Army National Guard, 2<sup>nd</sup> Battalion, 156<sup>th</sup> Infantry Regiment, 256<sup>th</sup> Brigade Combat Team.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 24—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Christopher J. Ramsey upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 25—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Christopher J. Babin upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 26—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Corporal Bradley J. Bergeron upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 27—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of First Lieutenant Christopher W. Barnett of the United States Army National Guard's 1<sup>st</sup> Battalion, 156<sup>th</sup> Armor Regiment, 256<sup>th</sup> Brigade Combat Team.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 28—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Specialist Armand "Luke" Frickey upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 29—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Specialist Craig L. Nelson upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 30—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Seth Randell Trahan upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 31—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Lance Corporal Justin D. McLeese upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 32—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Private First Class Torey J. Dantzler in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 33—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Sergeant Toby W. Mallet upon the first anniversary of his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 34—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Joseph C. Thibodeaux upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 35—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Wilfred D. Bellard upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 36—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Private First Class David P. Burrige upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 37—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Staff Sergeant William F. Manuel upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 38—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Lionel Ayro upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 39—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Staff Sergeant Jonathan R. Reed upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 40—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant Major Barbaralien Banks upon her death in Operation Enduring Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 41—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Captain Gussie M. Jones upon her death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 42—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Levi B. Kinchen upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 43—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Lance Corporal Jeremiah Kinchen upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 44—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Nicholas J. Olivier upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 45—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Reserve Command Sergeant Major Edward C. Barnhill upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

**SENATE RESOLUTION NO. 46—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist James P. Lambert upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

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## 3rd DAY'S PROCEEDINGS

### SENATE RESOLUTION NO. 47—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Huey P.L. Fassbender upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 48—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Specialist Jeremy M. Heines upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 49—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant First Class Kirk J. Comeaux upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 50—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Robert W. Sweeney III upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 51—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Sergeant Craig Davis upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 52—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Floyd G. Knighten, Jr., upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 53—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant Taft V. Williams upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 54—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Private First Class Kristian E. Parker upon his death in the Persian Gulf Theater of Operations.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 55—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Lee M. Godbolt upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### SENATE RESOLUTION NO. 56—

BY SENATOR MARIONNEAUX

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Corporal David M. Fraise upon his death in Operation Enduring Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

### House Concurrent Resolutions on Second Reading

The following House Concurrent Resolutions were read and acted upon as follows:

### HOUSE CONCURRENT RESOLUTION NO. 61—

BY REPRESENTATIVE BOWLER AND SENATOR LENTINI

#### A CONCURRENT RESOLUTION

To commend Betty Vollenweider Reed upon the occasion of her retirement as a third grade teacher at St. Rita School in Harahan.

The resolution was read by title. Senator Lentini moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	
Total - 32		

#### NAYS

Total - 0

#### ABSENT

Ellington	Hollis	Schedler
Heitmeier	Michot	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 2—

BY REPRESENTATIVES CROWE, BURNS, T. POWELL, SCHNEIDER, STRAIN AND WINSTON AND SENATORS BOASSO, HAINKEL, NEVERS AND SCHEDLER

#### A CONCURRENT RESOLUTION

To commend Nvision Solutions as the recipient of the 2004 Governor's Technology Award for Innovator of the Year and to recognize its outstanding contributions to technology in Louisiana.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Total - 33		

#### NAYS

Total - 0

#### ABSENT

Ellington	Hollis
Heitmeier	Michot
Total - 4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 3—

BY REPRESENTATIVES CROWE, BURNS, T. POWELL, SCHNEIDER, STRAIN AND WINSTON AND SENATORS BOASSO, HAINKEL, NEVERS AND SCHEDLER

#### A CONCURRENT RESOLUTION

To commend Pamlab, L.L.C. for being named the Governor's 2004 Technology Awards Company of the Year and to recognize its outstanding contributions to technology in Louisiana.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dardenne	Marionneaux
Adley	Duplessis	McPherson
Amedee	Dupre	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	

Total - 32

#### NAYS

Total - 0

#### ABSENT

Ellington	Hollis	Michot
Heitmeier	Malone	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 5—

BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA

#### A CONCURRENT RESOLUTION

To recognize the third Saturday in May annually as Friedreich's Ataxia Awareness Day in support of raising awareness of and searching for a cure for Friedreich's Ataxia.

The resolution was read by title. Senator Adley moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dardenne	Lentini
Adley	Duplessis	Malone
Amedee	Dupre	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Cain	Gautreaux N	Nevers
Chaisson	Jackson	Romero
Cheek	Jones	Smith
Cravins	Kostelka	Ullo
Total - 30		

#### NAYS

Total - 0

#### ABSENT

Broome	Hollis	Theunissen
Ellington	Michot	
Heitmeier	Schedler	
Total - 7		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 6—

BY REPRESENTATIVE STRAIN

#### A CONCURRENT RESOLUTION

To recognize September of 2005 as Parent Teacher Association Month in Louisiana.

The resolution was read by title. Senator Nevers moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero

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## 3rd DAY'S PROCEEDINGS

Cain  
Chaisson  
Cheek  
Cravins  
Dardenne  
Total - 31

Jackson  
Jones  
Kostelka  
Lentini  
Malone

Schedler  
Smith  
Ullo

NAYS

Total - 0

ABSENT

Broome  
Ellington  
Total - 6

Heitmeier  
Hollis

Michot  
Theunissen

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 8—

BY REPRESENTATIVES BRUCE, BAYLOR, BURRELL, DOERGE, GLOVER, HOPKINS, MONTGOMERY, M. POWELL, SALTER, JANE SMITH AND WADDELL AND SENATORS ADLEY, CHEEK, JACKSON AND MALONE

#### A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of W. Peyton Shehee, Jr. of Shreveport and to recognize his singular accomplishments and contributions.

The resolution was read by title. Senator Jackson moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Amedee  
Bajoie  
Barham  
Boasso  
Broome  
Cain  
Chaisson  
Cheek  
Cravins  
Total - 32

Dardenne  
Duplessis  
Dupre  
Fields  
Fontenot  
Gautreaux B  
Gautreaux N  
Jackson  
Jones  
Kostelka  
Lentini

Malone  
Marionneaux  
McPherson  
Mount  
Murray  
Nevers  
Romero  
Schedler  
Smith  
Ullo

NAYS

Total - 0

ABSENT

Ellington  
Heitmeier  
Total - 5

Hollis  
Michot

Theunissen

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 9—

BY REPRESENTATIVE SALTER

#### A CONCURRENT RESOLUTION

To commend the Public Administration Institute Student Association (PAISA) at Louisiana State University and to recognize April 13, 2005, as the seventh annual PAISA Day.

The resolution was read by title. Senator Smith moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Amedee  
Bajoie  
Barham  
Boasso  
Broome  
Cain  
Chaisson  
Cheek  
Cravins  
Total - 32

Dardenne  
Duplessis  
Dupre  
Fields  
Fontenot  
Gautreaux B  
Gautreaux N  
Jackson  
Jones  
Kostelka  
Lentini

Malone  
Marionneaux  
McPherson  
Mount  
Murray  
Nevers  
Romero  
Schedler  
Smith  
Ullo

NAYS

Total - 0

ABSENT

Ellington  
Heitmeier  
Total - 5

Hollis  
Michot

Theunissen

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 10—

BY REPRESENTATIVES BRUCE, BAYLOR, BURRELL, DOERGE, GLOVER, HOPKINS, MONTGOMERY, M. POWELL, SALTER, JANE SMITH AND WADDELL AND SENATORS ADLEY, CHEEK, JACKSON AND MALONE

#### A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of former state legislator Algje Dee Brown of Shreveport and the enduring gratitude of the members for his outstanding contributions to Caddo Parish and the state of Louisiana, particularly during his twenty-four-year tenure as a distinguished member of the Louisiana House of Representatives.

The resolution was read by title. Senator Cheek moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Amedee  
Bajoie  
Barham  
Boasso  
Broome  
Cain  
Chaisson  
Cheek  
Total - 29

Dardenne  
Duplessis  
Dupre  
Fields  
Fontenot  
Gautreaux N  
Jones  
Kostelka  
Lentini  
Malone

Marionneaux  
McPherson  
Mount  
Murray  
Nevers  
Romero  
Schedler  
Smith  
Ullo

NAYS

Total - 0

ABSENT

Cravins  
Ellington  
Gautreaux B  
Total - 8

Heitmeier  
Hollis  
Jackson

Michot  
Theunissen

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 11—**  
BY REPRESENTATIVES SALTER, CRANE, AND THOMPSON AND  
SENATORS HINES, THEUNISSEN, AND ULLO  
A CONCURRENT RESOLUTION

To commend Mark Musick upon his retirement as president of the Southern Regional Education Board, to recognize and record his myriad accomplishments and his remarkable contributions to the field of education, and to extend to him best wishes as he embarks upon new challenges and endeavors.

The resolution was read by title. Senator Smith moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Ullo
Cheek	Lentini	
Dardenne	Malone	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Cravins	Heitmeier	Michot
Ellington	Hollis	Theunissen
Total - 6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 12—**  
BY REPRESENTATIVE SCHNEIDER  
A CONCURRENT RESOLUTION

To commend Robert P. "Bob" Roth, Jr. of Hammond for his contributions to the state of Louisiana and the Louisiana Department of Transportation and Development upon the occasion of his retirement after thirty-four years of service.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Ullo
Cheek	Lentini	
Dardenne	Malone	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Cravins	Heitmeier	Michot
Ellington	Hollis	Theunissen
Total - 6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 13—**  
BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL  
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of United States District Court Judge Morey L. Sear.

The resolution was read by title. Senator Murray moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dardenne	Malone
Adley	Duplessis	McPherson
Amedee	Dupre	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Jackson	Smith
Chaisson	Jones	Ullo
Cheek	Kostelka	
Cravins	Lentini	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Ellington	Hollis	Michot
Heitmeier	Marionneaux	Theunissen
Total - 6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 14—**  
BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL  
A CONCURRENT RESOLUTION

To commend Vincent "V. J." Bella and to express enduring gratitude for his outstanding contributions to the state of Louisiana, particularly during his tenure as state fire marshal and as a member of the legislature.

The resolution was read by title. Senator Murray moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dardenne	Malone
Adley	Duplessis	McPherson
Amedee	Dupre	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Romero

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Broome	Gautreaux N	Schedler
Cain	Jackson	Smith
Chaisson	Jones	Ullo
Cheek	Kostelka	
Cravins	Lentini	
Total - 31		

NAYS

Total - 0

ABSENT

Ellington	Hollis	Michot
Heitmeier	Marionneaux	Theunissen
Total - 6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 15— BY REPRESENTATIVE WRIGHT

### A CONCURRENT RESOLUTION

To commend Lea Booker upon her recognition as a Distinguished Finalist in the 2005 Prudential Spirit of Community Awards.

The resolution was read by title. Senator Smith moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Ullo
Cravins	Lentini	
Total - 32		

NAYS

Total - 0

ABSENT

Ellington	Hollis	Theunissen
Heitmeier	Michot	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 16— BY REPRESENTATIVE BRUNEAU

### A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of James A. Comiskey, Sr. of New Orleans.

The resolution was read by title. Senator Murray moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	McPherson

Amedee	Dupre	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	
Total - 32		

NAYS

Total - 0

ABSENT

Ellington	Hollis	Michot
Heitmeier	Marionneaux	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 20—

BY REPRESENTATIVES MCDONALD, HUNTER, KATZ, KENNEY, THOMPSON, AND WALSWORTH AND SENATORS BARHAM, JONES, AND KOSTELKA

### A CONCURRENT RESOLUTION

To commend Mike Vining upon his retirement as head coach of the University of Louisiana at Monroe men's basketball team.

The resolution was read by title. Senator Barham moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Ellington	Hollis
Heitmeier	Michot
Total - 4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 23—

BY REPRESENTATIVE TOWNSEND

### A CONCURRENT RESOLUTION

To designate the month of October annually as Creole Heritage Month.

The resolution was read by title. Senator Smith moved to concur in the House Concurrent Resolution.



April 27, 2005

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo

Total - 33

**NAYS**

Total - 0

**ABSENT**

Ellington	Hollis
Heitmeier	Michot

Total - 4

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 24—**

BY REPRESENTATIVE SALTER

**A CONCURRENT RESOLUTION**

To commend Tom Jaques upon his retirement as State Librarian of Louisiana and to recognize and record his singular contributions during three decades of highly effective and productive public service.

The resolution was read by title. Senator Smith moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Smith
Cain	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	
Dardenne	Malone	

Total - 31

**NAYS**

Total - 0

**ABSENT**

Chaisson	Heitmeier	Michot
Ellington	Hollis	Schedler

Total - 6

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 26—**

BY REPRESENTATIVE LAFLEUR AND SENATOR HINES

**A CONCURRENT RESOLUTION**

To designate the second full week of September annually as Louisiana Chambers of Commerce Appreciation Week.

The resolution was read by title. Senator Hines moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	

Total - 32

**NAYS**

Total - 0

**ABSENT**

Ellington	Hollis	Schedler
Heitmeier	Michot	

Total - 5

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 30—**

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

**A CONCURRENT RESOLUTION**

To commend and celebrate the accomplishments of Marcus A. Hughes of the Boy Scouts of America on the memorable and historic occasion of his attainment of the prestigious rank of Eagle Scout.

The resolution was read by title. Senator Fontenot moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	

Total - 32

**NAYS**

Total - 0

**ABSENT**

Cravins	Heitmeier	Michot
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Ellington                      Hollis  
Total - 5

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 32— BY REPRESENTATIVES WHITE AND ERDEY AND SENATOR FONTENOT

#### A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of former state representative Ernest Bernard Carrier, Sr. of Denham Springs and the enduring gratitude of the members for his outstanding contributions to Livingston Parish and the state of Louisiana, particularly during his eight-year tenure as a distinguished member of the House of Representatives.

The resolution was read by title. Senator Fontenot moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Total - 33		

#### NAYS

Total - 0

#### ABSENT

Ellington                      Hollis  
Heitmeier                      Michot  
Total - 4

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 33— BY REPRESENTATIVE KLECKLEY

#### A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Judge John A. Patin.

The resolution was read by title. Senator Theunissen moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen

Cheek                              Lentini                              Ullo  
Dardenne                              Malone  
Total - 32

#### NAYS

Total - 0

#### ABSENT

Cravins                              Heitmeier                              Michot  
Ellington                              Hollis  
Total - 5

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 34— BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

#### A CONCURRENT RESOLUTION

To commend and celebrate the accomplishments of Jedidiah B. Glascock of the Boy Scouts of America on the memorable and historic occasion of his attainment of the prestigious rank of Eagle Scout.

The resolution was read by title. Senator Fontenot moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

#### NAYS

Total - 0

#### ABSENT

Cravins                              Heitmeier                              Michot  
Ellington                              Hollis  
Total - 5

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 35— BY REPRESENTATIVE BRUNEAU

#### A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Commodore Thomas J. Lupo of New Orleans and to recognize his outstanding accomplishments.

The resolution was read by title. Senator Murray moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson

Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Michot
Ellington	Hollis	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 36—**  
BY REPRESENTATIVE TOOMY

**A CONCURRENT RESOLUTION**

To commend Maxine "Pudge" Doucet upon being named Louisiana State Alliance for Health, Physical Education, Recreation and Dance (AHPERD) Adapted Physical Activity Teacher of the Year.

The resolution was read by title. Senator Lentini moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Duplessis	McPherson
Adley	Dupre	Mount
Amedee	Fields	Murray
Bajoie	Fontenot	Nevers
Barham	Gautreaux B	Romero
Boasso	Gautreaux N	Schedler
Broome	Jackson	Smith
Cain	Kostelka	Theunissen
Chaisson	Lentini	Ullo
Cheek	Malone	
Dardenne	Marionneaux	
Total - 31		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Jones
Ellington	Hollis	Michot
Total - 6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 37—**  
BY REPRESENTATIVE STRAIN

**A CONCURRENT RESOLUTION**

To recognize May 8, 2005, through May 14, 2005, as Food Allergy Awareness Week.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Duplessis	McPherson
Adley	Dupre	Mount
Amedee	Fields	Murray
Bajoie	Fontenot	Nevers
Barham	Gautreaux B	Romero
Boasso	Gautreaux N	Schedler
Broome	Jackson	Smith
Cain	Kostelka	Theunissen
Chaisson	Lentini	Ullo
Cheek	Malone	
Dardenne	Marionneaux	
Total - 31		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Jones
Ellington	Hollis	Michot
Total - 6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 38—**  
BY REPRESENTATIVE FRITH

**A CONCURRENT RESOLUTION**

To commend Daniel E. Mobley upon his retirement as president and chief executive officer of the Louisiana Travel Promotion Association.

The resolution was read by title. Senator N. Gautreaux moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Michot
Ellington	Hollis	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 40—**  
BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT  
**A CONCURRENT RESOLUTION**

To commend and celebrate the accomplishments of Joshua G. Daugherty of the Boy Scouts of America on the memorable and historic occasion of his attainment of the prestigious rank of Eagle Scout.

The resolution was read by title. Senator Fontenot moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	McPherson
Adley	Dupre	Mount
Amedee	Fields	Murray
Bajoie	Fontenot	Nevers
Barham	Gautreaux B	Romero
Boasso	Gautreaux N	Schedler
Broome	Jackson	Smith
Cain	Kostelka	Theunissen
Chaisson	Lentini	Ullo
Cheek	Malone	
Dardenne	Marionneaux	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Cravins	Heitmeier	Jones
Ellington	Hollis	Michot
Total - 6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 42—**  
BY REPRESENTATIVE JEFFERSON  
**A CONCURRENT RESOLUTION**

To commend Bishop Paul S. Morton, Sr. upon the occasion of his thirtieth anniversary as pastor of Greater St. Stephen Full Gospel Baptist Church.

The resolution was read by title. Senator Bajoie moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Kostelka	Smith
Cheek	Lentini	Theunissen
Dardenne	Malone	Ullo
Total - 30		

**NAYS**

Total - 0

**ABSENT**

Broome	Heitmeier	Michot
--------	-----------	--------

Cravins	Hollis
Ellington	Jones
Total - 7	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 45—**  
BY REPRESENTATIVE WINSTON AND SENATOR SCHEDLER  
**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Lance Corporal Justin Daniel McLeese.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 30		

**NAYS**

Total - 0

**ABSENT**

Broome	Heitmeier	Michot
Cravins	Hollis	
Ellington	McPherson	
Total - 7		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 46—**  
BY REPRESENTATIVE SALTER AND SENATOR HINES  
**A CONCURRENT RESOLUTION**

To recognize May 3, 2005, as Junior League Day.

The resolution was read by title. Senator Smith moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

**NAYS**

April 27, 2005

Total - 0

## ABSENT

Cravins	Heitmeier	Michot
Ellington	Hollis	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 47—**

BY REPRESENTATIVE SALTER

## A CONCURRENT RESOLUTION

To recognize May 4, 2005, as State Employee Recognition Day.

The resolution was read by title. Senator Smith moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

## NAYS

Total - 0

## ABSENT

Cravins	Heitmeier	Michot
Ellington	Hollis	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 48—**

BY REPRESENTATIVES HUNTER, DORSEY, BADON, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, GALLOT, GLOVER, GRAY, E. GUILLORY, HONEY, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, RICHMOND, AND SHEPHERD AND SENATORS BAJOE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, AND MURRAY

## A CONCURRENT RESOLUTION

To commend Ambassador Andrew Young and to welcome him to the state of Louisiana.

The resolution was read by title. Senator Jones moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Duplessis	McPherson
Adley	Dupre	Mount
Amedee	Fields	Murray
Bajoie	Fontenot	Nevers
Barham	Gautreaux B	Romero
Boasso	Gautreaux N	Schedler
Broome	Jackson	Smith
Cain	Jones	Theunissen

Chaisson  
Cheek  
Dardenne  
Total - 31

Lentini  
Malone  
Marionneaux

Ullo

## NAYS

Total - 0

## ABSENT

Cravins  
Ellington  
Total - 6

Heitmeier  
Hollis

Kostelka  
Michot

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 49—**

BY REPRESENTATIVES DURAND, ALEXANDER, BALDONE, BAUDOUIN, CAZAYOUX, CRAVINS, DARTEZ, DOVE, FAUCHEUX, FRITH, GEYMAN, E. GUILLORY, M. GUILLORY, HEBERT, JOHNS, KLECKLEY, LAFLEUR, LAMBERT, MORRISH, PIERRE, PINAC, PITRE, QUEZAIRE, ROBIDEAUX, ROMERO, SMILEY, GARY SMITH, JACK SMITH, ST. GERMAIN, TRAHAN, TRICHE, WALKER, AND WOOTON AND SENATORS AMEDEE, CAIN, CHAISSON, CRAVINS, DUPRE, B. GAUTREAUX, N. GAUTREAUX, MARIONNEAUX, MICHOT, MOUNT, ROMERO, AND THEUNISSEN

## A CONCURRENT RESOLUTION

To recognize July 28, 2005, as a Day of Commemoration of the Great Upheaval in recognition of the suffering of the Acadian people and to encourage statewide observance of this special day.

The resolution was read by title. Senator Romero moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

## NAYS

Total - 0

## ABSENT

Cravins  
Ellington  
Total - 5

Heitmeier  
Hollis

Michot

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 55—**

BY REPRESENTATIVE GALLOT AND SENATOR KOSTELKA

## A CONCURRENT RESOLUTION

To recognize Saturday, May 7, 2005, as Air Force ROTC Detachment 311 Day and to commend Air Force ROTC Detachment 311 of Grambling State University.

The resolution was read by title. Senator Kostelka moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

### NAYS

Total - 0

### ABSENT

Cravins	Heitmeier	Michot
Ellington	Hollis	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 57—

BY REPRESENTATIVE LANCASTER AND SENATOR JONES

### A CONCURRENT RESOLUTION

To commend Allen H. Reynolds upon his retirement as director of the Louisiana Department of State Civil Service and recognizes his contributions during more than three decades of highly productive public service.

The resolution was read by title. Senator Lentini moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Total - 33		

### NAYS

Total - 0

### ABSENT

Ellington	Hollis
Heitmeier	Michot
Total - 4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 59—

BY REPRESENTATIVE KLECKLEY

### A CONCURRENT RESOLUTION

To commend Dr. Aretta J. Rathmell of Lake Charles for receiving the Edward H. Knight, M.D. Lifetime Achievement Award presented by the Louisiana Psychiatric Medical Association and for her outstanding contributions in the field of mental health throughout her career.

The resolution was read by title. Senator Mount moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Cravins	Malone	
Total - 32		

### NAYS

Total - 0

### ABSENT

Dardenne	Heitmeier	Michot
Ellington	Hollis	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

## HOUSE CONCURRENT RESOLUTION NO. 60—

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

### A CONCURRENT RESOLUTION

To commend Michael Chase Courtney of Holden upon attaining the rank of Eagle Scout.

The resolution was read by title. Senator Fontenot moved to concur in the House Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Total - 33		

### NAYS

Total - 0

### ABSENT

Ellington  
Heitmeier  
Total - 4

Hollis  
Michot

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### Reports of Committees

The following reports of committees were received and read:

#### REPORT OF COMMITTEE ON

#### HEALTH AND WELFARE

Senator McPherson, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 27, 2005

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

#### SENATE BILL NO. 92— BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 36:477(C)(1), relative to the Department of Social Services; to provide with respect to the office of community services and its role in providing for the public child welfare functions of the state; to provide with respect to preventive services to prevent child abuse and neglect and family strengthening and support services; to provide for an effective date; and to provide for related matters.

Reported favorably.

#### SENATE BILL NO. 265— BY SENATOR HINES AND REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 37:1041(C)(2) and (4) and to enact R.S. 37:1041(C)(5), relative to the practice of optometry; to provide for modifications in current definitions; to provide for a definition of ophthalmic surgery; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
**JOE MCPHERSON**  
Chairman

### Senate Bills and Joint Resolutions on Second Reading Reported by Committees

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

#### SENATE BILL NO. 48— BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 38:1871, relative to gravity drainage and sub-drainage districts; to provide relative to civil immunity from liability for certain matters; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 48 by Senator Theunissen

#### AMENDMENT NO. 1

On page 1, delete lines 8 through 11 and insert in lieu thereof

"A. No gravity drainage or sub-drainage district shall be liable for an act or omission of a person that arises from his execution of a contract with the district for the clearing or spraying of vegetation, and which causes harm to the property on which the vegetation is being cleared or on which the spraying of herbicide, pesticide, or other weed or vegetation control chemical occurs. The provisions of this Section shall be limited to immunity for damage to property only, and shall not be construed to relieve the contractor from any liability."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### SENATE BILL NO. 73—

BY SENATOR N. GAUTREAUX

AN ACT

To provide for the taking of income and franchise tax credits for donations to certain playgrounds or recreational areas on amended returns; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

#### SENATE BILL NO. 74—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 39:1405.3(B), relative to the issuance of industrial revenue bonds; to require the approval of the issuance of such bonds by certain local governmental entities in Bossier Parish prior to State Bond Commission approval; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

#### SENATE BILL NO. 75—

BY SENATOR ADLEY

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H) and (I), relative to the jurisdiction of city courts; to provide relative to the City Court of Springhill; to increase the jurisdictional amount in dispute; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

#### SENATE BILL NO. 109—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 3:555.8(B) and (C) and 555.9(A)(1), relative to the Louisiana Beef Industry Council; to authorize the council to increase the state assessment for participation in the Louisiana Beef Promotion and Research Program; and to provide for related matters.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development. On motion of Senator Smith, the bill was read by title, ordered engrossed, and passed to a third reading.

#### SENATE BILL NO. 111—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 38:27, relative to damage claims against the state, its agencies, or employees; to provide relative to such claims involving the failure, operation, or approval of a dam located in this state; to define "dam"; to include the Toledo Bend Dam in such definition; and to provide for related matters.

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Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

## SENATE BILL NO. 130—

BY SENATOR ROMERO

### AN ACT

To enact R.S. 9:203(E)(4), relative to marriage officiants, judges, and justices of the peace; to extend the authority for certain federal judges to preside over a marriage ceremony between May 16, 2005 and June 4, 2005; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

## SENATE BILL NO. 131—

BY SENATOR BAJOE

### AN ACT

To amend and reenact R.S. 47:301(10)(y) and (18)(k), relative to state and political subdivision sales and use tax; to grant an exclusion from such tax for organizations which donate toys to children; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

## SENATE BILL NO. 138—

BY SENATOR MALONE

### AN ACT

To amend and reenact R.S. 47:296.2(C), 296.3(C), and 1516.1(G)(2) and to enact R.S. 47:1584, relative to collection of taxes; to provide for an innocent spouse rule for the collection of taxes and related amounts; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

## SENATE BILL NO. 142—

BY SENATOR THEUNISSEN

### AN ACT

To enact R.S. 33:4720.17(C)(4), 4720.31(C)(4), and 4720.47(D)(4), and R.S. 47:2183.1, relative to tax sales of immovable property and acquisition of adjudicated property from a political subdivision; to provide relative to a tax debtor or other person seeking to redeem such property; to require such person to pay certain costs incurred relative to a tax sale; to require such person to pay certain costs incurred during acquisition of adjudicated property from a political subdivision; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 48 by Senator Theunissen

#### AMENDMENT NO.1

On page 3, line 6, after "law," change "all" to "the actual"

#### AMENDMENT NO. 2

On page 3, line 7, after "sale" add "for the postage costs of all certified mail, notices, publication of notices, or personal service of notices"

#### AMENDMENT NO. 3

On page 3, line 9, after "law" delete the remainder of the line and add a period "."

#### AMENDMENT NO. 4

## 3rd DAY'S PROCEEDINGS

On page 3, line 13, after "law," change "all" to "the actual" and after "authority" add "for the postage costs of all certified mail, notices, publication of notices, or personal service of notices"

#### AMENDMENT NO. 5

On page 3, line 16, after "law" delete the remainder of the line and add a period "."

#### AMENDMENT NO. 6

On page 3, delete line 17

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 151—

BY SENATOR N. GAUTREAUX

### AN ACT

To enact Part III-A of Chapter 1 of Title 29 of the Louisiana Revised Statutes of 1950, comprised of R.S. 29:311 through 319, relative to military, naval, and veterans' affairs; to provide certain exemptions from some terms and conditions of certain contracts entered into by active duty military personnel, and members of the Armed Forces Reserve and Louisiana National Guard who are activated pursuant to an executive order of the president of the United States, act of congress, or state law; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 48 by Senator Theunissen

#### AMENDMENT NO.1

On page 5, delete lines 19, 20, and 21 and add in lieu thereof "active duty."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 153—

BY SENATOR MICHOT

### AN ACT

To enact Code of Civil Procedure Art. 258, relative to clerks of court and official recorders; to provide relative to the filing of any recordable written instrument submitted by certain entities of the state or federal government or by certain financial institutions; to authorize the electronic filing and recording of such instruments; to require certification of conformity of such instruments to form and content required by law; to require certain endorsement of such filed instruments; to provide for procedures relative to receipt of such filed instruments; to provide relative to the effectiveness of such filed instruments; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 48 by Senator Theunissen

#### AMENDMENT NO.1

On page 2, line 10, after "other" change "then" to "than"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.



## SENATE BILL NO. 196—

BY SENATORS BARHAM AND KOSTELKA  
AN ACT

To amend and reenact Civil Code Article 466, relative to immovables; to provide relative to the definition of component parts of buildings and constructions; to include certain permanently attached parts in such definition; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 48 by Senator Theunissen

### AMENDMENT NO. 1

On page 1, line 3, after "parts of" delete the remainder of the line and add in lieu thereof "immovables; to provide relative to which items are considered"

### AMENDMENT NO. 2

On page 1, line 4, after "parts" delete "in such definition"

### AMENDMENT NO. 3

On page 1, delete lines 8 through 15 and add the following in lieu thereof:

"Art. 466. Component parts of ~~buildings or other constructions~~ **an immovable**

Things permanently attached to ~~a building or other construction, such as plumbing, heating, cooling, electrical or other installations;~~ **an immovable** are its component parts.

~~Things are considered permanently attached if they cannot be removed without substantial damage to themselves or to the immovable to which they are attached. Things, such as plumbing, heating, cooling, electrical or other installations are component parts of an immovable as a matter of law.~~

~~Other things are considered to be permanently attached to an immovable if they cannot be removed without substantial damage to themselves or to the immovable or if, according to prevailing notions in society, they are considered to be component parts of an immovable.~~

~~Section 2. This Act shall apply to existing immovables and shall be used in any determination of whether a thing is a component part, but no provision may be applied to divest already vested rights or to impair obligations of contracts.~~

~~Section 3. Article 466 of the Louisiana Civil Code that governs the component parts of buildings and other constructions was enacted in 1978. It was drafted by the Property Committee of the Louisiana State Law Institute, was discussed and adopted by the Council of the Institute and was enacted into law as submitted to the Louisiana Legislature. The Report of the Institute's Committee (A. N. Yiannopoulos) has explained the scope, purpose, and function of the article. See Yiannopoulos, Civil Law Property §116.142 (4<sup>th</sup> ed. 2001). The two paragraphs of Article 466 of the Louisiana Civil Code were presented to the Council of the Louisiana Civil Code as two independent articles and were so adopted. However, the provisions of Title I, Book II of the Louisiana Civil Code - Things, of which Article 466 is a part, were renumbered when submitted to the Legislature and the two independent articles governing component parts of buildings or other constructions became the two paragraphs of Article 466.~~

~~According to legislative intent and Louisiana jurisprudence constante, the two paragraphs of Article 466 contemplate distinct tests for the classification of things as component parts of building or other constructions. The things that are indicatively enumerated in the first paragraph of Article 466 are component parts as a matter of law. All other things are considered to be permanently attached and, therefore, component parts of a building or other construction under the second paragraph of Article 466, if they cannot be removed without substantial damage to themselves or to the immovable. Further, Louisiana courts have correctly superimposed on the two paragraphs of~~

Article 466 the realistic test of "societal expectations." Things attached to an immovable may be component parts of the immovable or may remain movables depending on societal expectations, namely, prevailing notions in society and economy concerning the status of those things.

Section 4. This Act is intended to re-confirm and enact into law Louisiana jurisprudence constante that preceded Willis-Knighton Medical Center v. Caddo Shreveport Sales So. 2d, 2005 WL 767063, 2004-0473 (La. 4/6/05) (La. Apr 06, 2005) (NO. 04-C-0473)."

Section 5. As provided by R.S. 24:175, the provisions of this Act are severable. If any provision, item or section of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, sections, or applications of this Act or applications of this Act which can be given effect without the invalid provision, item, section, or application.

### AMENDMENT NO. 4

On page 1, line 16, after "Section" change "3" to "6"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 200—

BY SENATOR BAJOE

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(C)(19) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 48 by Senator Theunissen

### AMENDMENT NO. 1

On page 1, line 3, after "exemptions;" insert "to provide an exemption for certain artwork;"

### AMENDMENT NO. 2

On page 1, line 15, delete "in Orleans Parish"

### AMENDMENT NO. 3

On page 2, line 1, change "are" to "is"

### AMENDMENT NO. 4

On page 2, line 12, delete "in Orleans Parish"

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 250—

BY SENATOR MOUNT

AN ACT

To amend and reenact Section 2 of Act No. 15 of the 1996 Regular Session of the Legislature, as amended by Act No. 47 of the 1998 Regular Session of the Legislature, Act No. 33 of the 2000 Regular Session of the Legislature, and Act No. 141 of the 2003 Regular Session of the Legislature, relative to sales and use taxes; to provide for the continued exclusion from state and local sales and use taxes certain transactions concerning certain private and parochial elementary and secondary schools; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

April 27, 2005

**SENATE BILL NO. 316—**  
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:1837.1(A)(1), (B)(1), (C), and (D), relative to the Louisiana Tax Commission; to require a statewide ad valorem tax assessment database for publication on the Internet; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 48 by Senator Theunissen

AMENDMENT NO. 1

On page 1, line 2, after "(A)(1)," insert "the introductory paragraph of (B),"

AMENDMENT NO. 2

On page 1, line 7, after "(A)(1)," insert "the introductory paragraph of (B)," and change "enacted" to "amended and reenacted"

AMENDMENT NO. 3

On page 2, delete line 15 through 20, and insert:

"~~DC.~~ By request from the assessor to the Louisiana Tax Commission prior to November 15, 2004 of a tax year, any assessor from a parish ~~provided for in Subsection C of this Section which has never participated in the program in any tax year prior to the request~~ may be relieved from the obligation to participate in the program for the tax year of the request upon showing that the assessor is unable ~~that tax year~~ to comply with the obligation to file the tax roll in electronic form or other format designated by the Louisiana Tax Commission. However, once an assessor has participated in the program that assessor is no longer eligible to be relieved of the obligation to participate."

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**Rules Suspended**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Introduction of  
Senate Concurrent Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

**SENATE CONCURRENT RESOLUTION NO. 26—**  
BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To direct the appropriate state agencies to take action to implement and enforce the law on delivery sales of cigarettes.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

**Messages from the President**

The following messages from the President were received and read as follows:

SENATE  
State of Louisiana

April 27, 2005

Honorable Noble Ellington  
State Senator  
4272 Front Street  
Winnsboro, LA 71295

Dear Senator Ellington:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the **Senate Committee on Finance**.

Sincerely,  
**DONALD E. HINES**

SENATE  
State of Louisiana

April 27, 2005

Honorable Reggie P. Dupre, Jr.  
State Senator  
P. O. Box 3893  
Houma, LA 70361-3893

Dear Senator Dupre:

In accordance with Senate Rule 13.1, I accept your resignation from the Senate Committee on **Transportation, Highways and Public Works**, and appoint you to serve as a member of the **Senate Committee on Natural Resources**.

Sincerely,  
**DONALD E. HINES**

SENATE  
State of Louisiana

April 27, 2005

Honorable D. A. "Butch" Gautreaux  
State Senator  
1015 Clothilde Street  
Morgan City, LA 70380

Dear Senator Gautreaux:

In accordance with Senate Rule 13.1, I accept your resignation from the **Senate Committee on Natural Resources** and appoint you to serve as a member of the **Senate Committee on Transportation, Highways and Public Works**.

Sincerely,  
**DONALD E. HINES**

SENATE  
State of Louisiana

April 27, 2005

Honorable Robert W. Kostelka  
State Senator  
P. O. Box 2122  
Monroe, LA 71207-2122

Dear Senator Kostelka:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the **Senate Committee on Insurance**.

Sincerely,  
**DONALD E. HINES**

SENATE  
State of Louisiana

April 27, 2005

April 27, 2005

Honorable Ann D. Duplessis  
State Senator  
6600 Plaza Drive  
Suite 211A  
New Orleans, LA 70127

Dear Senator Duplessis:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the **Senate Committee on Insurance**.

Sincerely,  
**DONALD E. HINES**

**SENATE**  
State of Louisiana

April 27, 2005

Honorable Nick Gautreaux  
State Senator  
209 E. St. Victor Street  
Abbeville, LA 70510

Dear Senator Gautreaux:

In accordance with Senate Rule 13.2, I hereby appoint you to serve as Vice Chairman of the **Senate Committee on Natural Resources**.

Sincerely,  
**DONALD E. HINES**

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 27, 2005

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE RESOLUTION NO. 3—**  
BY SENATOR SCHEDLER

**A RESOLUTION**

To recognize and commend Drew Lehmann, youth director for PRIDE of St. Tammany and Washington parishes, for his efforts to educate youths on the importance of drug and alcohol prevention.

**SENATE RESOLUTION NO. 4—**  
BY SENATOR THEUNISSEN

**A RESOLUTION**

To designate May 17, 2005, as "FFA Day" at the legislature.

**SENATE RESOLUTION NO. 5—**  
BY SENATOR THEUNISSEN

**A RESOLUTION**

To express the support of the Louisiana Senate for and to urge and request continued participation in the America's Legislators Back to School Program, sponsored by the National Conference of State Legislatures (NCSL).

**SENATE RESOLUTION NO. 6—**

BY SENATORS ADLEY, B. GAUTREAUX, N. GAUTREAUX AND MICHOT

**A RESOLUTION**

To memorialize the Congress of the United States to require revisions to Weekly Natural Gas Storage Report procedures in order to mandate immediate disclosure of corrections to erroneous information.

**SENATE RESOLUTION NO. 10—**

BY SENATOR MURRAY

**A RESOLUTION**

To memorialize the Congress of the United States to enact the Breast Cancer Patient Protection Act.

**SENATE RESOLUTION NO. 12—**

BY SENATORS BARHAM AND THEUNISSEN

**A RESOLUTION**

To urge and request the Department of Transportation and Development to dedicate Highway 80 throughout the state of Louisiana as the Korean War Veterans Memorial Highway.

**SENATE RESOLUTION NO. 13—**

BY SENATOR MICHOT

**A RESOLUTION**

To designate May 3, 2005, as "Junior Achievement Day" at the Senate.

Respectfully submitted,  
**CHARLES D. JONES**  
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 27, 2005

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate April 27, 2005 been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 17—**  
BY SENATOR SCHEDLER AND REPRESENTATIVE MCVEA

**A CONCURRENT RESOLUTION**

To recognize and commend Louisiana native Kim Mulkey-Robertson, Head Coach of the Baylor University Lady Bears, for her leadership throughout the season culminating in the 2005 NCAA Women's National Basketball Championship.

**SENATE CONCURRENT RESOLUTION NO. 18—**  
BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Mrs. Dolores "Dodie" Brisbi Treen, former first lady of Louisiana.

Respectfully submitted,  
**CHARLES D. JONES**  
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

April 27, 2005

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Ellington	1 Day	Heitmeier	1 Day
Hollis	1 Day	Michot	1 Day

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Thursday, April 28, 2005, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, April 28, 2005.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk